

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

In re:

NANCY ANN WORSLEY,

Debtor.

Case No. 13-71206-SCS

NANCY ANN WORSLEY,

Plaintiff,

Chapter 13

v.

APN: 13-07042-SCS

**JPMORGAN CHASE BANK, NA,
SAMUEL I. WHITE, P.C., TRUSTEE,**

Defendants.

**JPMORGAN CHASE BANK, NA,
SAMUEL I. WHITE, P.C., TRUSTEE,**

Counterclaim Plaintiffs,

v.

**NANCY ANN WORSLEY,
MICHAEL P. COTTER, CHAPTER 13 TRUSTEE,
ROGER D. WORSLEY,
GUY AMUIAL,**

Counterclaim and Third-Party Defendants.

**PLAINTIFF'S ANSWER TO COUNTERCLAIM
AND THIRD-PARTY CLAIM**

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COMES NOW, Plaintiff, NANCY ANN WORSLEY, by and through counsel, and submits this Answer to Counterclaim and Third-Party Claim, and in support of states as follows:

1. Plaintiff neither admits nor denies the allegations in paragraph 1 of the Counterclaim.
2. Plaintiff admits the allegations in paragraph 2 of the Counterclaim.
3. Plaintiff admits the allegations in paragraph 3 of the Counterclaim.
4. Plaintiff neither admits nor denies the allegations in paragraph 4 of the Counterclaim.
5. Plaintiff neither admits nor denies the allegations in paragraph 5 of the Counterclaim.
6. Plaintiff admits the allegations in paragraph 6 of the Counterclaim.
7. Plaintiff admits the allegations in paragraph 7 of the Counterclaim.
8. Plaintiff admits the allegations in paragraph 8 of the Counterclaim.
9. Plaintiff neither admits nor denies the allegations in paragraph 9 of the Counterclaim.
10. Plaintiff neither admits nor denies the allegations in paragraph 10 of the Counterclaim.
11. Plaintiff admits the allegations in paragraph 11 of the Counterclaim.
12. Plaintiff neither admits nor denies the allegations in paragraph 12 of the Counterclaim.

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13. Plaintiff neither admits nor denies the allegations in paragraph 13 of the Counterclaim.

14. Plaintiff neither admits nor denies the allegations in paragraph 14 of the Counterclaim.

15. Plaintiff neither admits nor denies the allegations in paragraph 15 of the Counterclaim.

16. Plaintiff admits the allegations in paragraph 16 of the Counterclaim.

17. Plaintiff admits the allegations in paragraph 17 of the Counterclaim.

18. Plaintiff neither admits nor denies the allegations in paragraph 18 of the Counterclaim.

19. Plaintiff neither admits nor denies the allegations in paragraph 19 of the Counterclaim.

20. Plaintiff neither admits nor denies the allegations in paragraph 20 of the Counterclaim.

21. Plaintiff admits the allegations in paragraph 21 of the Counterclaim.

22. Plaintiff denies the allegations in paragraph 22 of the Counterclaim.

23. Plaintiff neither admits nor denies the allegations in paragraph 23 of the Counterclaim.¹

24. Plaintiff neither admits nor denies the allegations in paragraph 24 of the Counterclaim.

¹ The HUD produced the Defendant produced indicates any benefit 3rd Party Defendant Worsley received was substantially small compared to the windfall 3rd Party Defendant Amual received, which is incorporated in the Plaintiff's affirmative defense that Amual committed fraud against Worsley. Timothy V. Anderson, Esq. (VSB: 43803)
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25. Plaintiff denies the allegations in paragraph 25 of the Counterclaim.

26. Plaintiff neither admits nor denies the allegations in paragraph 26 of the Counterclaim.

27. Plaintiff neither admits nor denies the allegations in paragraph 27 of the Counterclaim.

28. Plaintiff neither admits nor denies the allegations in paragraph 28 of the Counterclaim.

29. Plaintiff denies the allegations in paragraph 29 of the Counterclaim.

30. Plaintiff neither admits nor denies the allegations in paragraph 30 of the Counterclaim.

COUNT I: DECLARATORY JUDGMENT AS TO VALDITY OF LIEN

31. Plaintiff neither admits nor denies the allegations in paragraph 31 of the Counterclaim.

32. Plaintiff admits the allegations in paragraph 32 of the Counterclaim.

33. Plaintiff denies the allegations in paragraph 33 of the Counterclaim.

34. Plaintiff denies the allegations in paragraph 34 of the Counterclaim.

35. Plaintiff denies the allegations in paragraph 35 of the Counterclaim.

36. Plaintiff denies the allegations in paragraph 36 of the Counterclaim.

37. Plaintiff denies the allegations in paragraph 37 of the Counterclaim.

38. Plaintiff denies the allegations in paragraph 38 of the Counterclaim.

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COUNT II: REFORMATION OF 2007 DEED AND/OR REFINANCE DEED OF TRUST

39. Plaintiff denies the allegations in paragraph 39 of the Counterclaim.

40. Plaintiff denies the allegations in paragraph 40 of the Counterclaim.

41. Plaintiff denies the allegations in paragraph 41 of the Counterclaim.

42. Plaintiff denies the allegations in paragraph 42 of the Counterclaim.

43. Plaintiff denies the allegations in paragraph 43 of the Counterclaim.

44. Plaintiff denies the allegations in paragraph 44 of the Counterclaim.

COUNT III: EQUITABLE SUBROGATION

45. Plaintiff denies the allegations in paragraph 45 of the Counterclaim.

46. Plaintiff denies the allegations in paragraph 46 of the Counterclaim.

47. Plaintiff denies the allegations in paragraph 47 of the Counterclaim.

48. Plaintiff denies the allegations in paragraph 48 of the Counterclaim.

49. Plaintiff denies the allegations in paragraph 49 of the Counterclaim.

COUNT IV: CONSTRUCTIVE TESTS

50. Plaintiff denies the allegations in paragraph 50 of the Counterclaim.

51. Plaintiff denies the allegations in paragraph 51 of the Counterclaim.

52. Plaintiff denies the allegations in paragraph 52 of the Counterclaim.

53. Plaintiff denies the allegations in paragraph 53 of the Counterclaim.

54. Plaintiff denies the allegations in paragraph 54 of the Counterclaim.

COUNT V: EQUITABLE LIEN

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55. Plaintiff denies the allegations in paragraph 55 of the Counterclaim.

56. Plaintiff denies the allegations in paragraph 56 of the Counterclaim.

57. Plaintiff denies the allegations in paragraph 57 of the Counterclaim.

58. Plaintiff denies the allegations in paragraph 58 of the Counterclaim.

COUNT VI: IMPLIED OR RESULTING TRUST

59. Plaintiff denies the allegations in paragraph 59 of the Counterclaim.

60. Plaintiff denies the allegations in paragraph 60 of the Counterclaim.

61. Plaintiff denies the allegations in paragraph 61 of the Counterclaim.

62. Plaintiff denies the allegations in paragraph 62 of the Counterclaim.

63. Plaintiff denies the allegations in paragraph 63 of the Counterclaim.

64. Plaintiff denies the allegations in paragraph 64 of the Counterclaim.

COUNT VII: UNJUST ENRICHMENT

65. Plaintiff denies the allegations in paragraph 65 of the Counterclaim.

66. Plaintiff denies the allegations in paragraph 66 of the Counterclaim.

67. Plaintiff denies the allegations in paragraph 67 of the Counterclaim.

68. Plaintiff denies the allegations in paragraph 68 of the Counterclaim.

69. Plaintiff denies the allegations in paragraph 69 of the Counterclaim.

COUNT VIII: SPECIFIC PERFORMANCE

70. Plaintiff denies the allegations in paragraph 70 of the Counterclaim.

71. Plaintiff denies the allegations in paragraph 71 of the Counterclaim.

72. Plaintiff denies the allegations in paragraph 72 of the Counterclaim.

73. Plaintiff denies the allegations in paragraph 73 of the Counterclaim.

COUNT IX: EQUITABLE REMEDY PURSUANT TO 11 U.S.C. § 105

74. Plaintiff denies the allegations in paragraph 74 of the Counterclaim.

75. Plaintiff denies the allegations in paragraph 75 of the Counterclaim.

76. Plaintiff denies the allegations in paragraph 76 of the Counterclaim.

77. Plaintiff denies the allegations in paragraph 77 of the Counterclaim.

78. Plaintiff denies the allegations in paragraph 78 of the Counterclaim.

AFFIRMATIVE DEFENSES

1. The 3rd party defendant Worsley was fraudulently induced into endorsing the original deed of gift to 3rd party Amual. The Defendant may not reform a deed or deed of gift unless by clear evidence the deed in question represented the intent of the parties. 3rd party Defendant Amual attempted to steal the property from 3rd party Defendant Worsley and would have been successful but for the erroneous deed prepared by Amual. Accordingly, the Deed may not be reformed under Virginia law. Creger v. Jessee, et al, 403 BR 381 (WDVA 2009).
2. The Plaintiff is a recipient of the real estate without notice of the deed of trust and is in the same shoes as a bona fide purchaser. Reformation is disallowed under Virginia law. Creger v. Jessee, et al, 403 BR 381 (WDVA 2009).

WHEREFORE, Plaintiff respectfully prays that this Court deny the relief requested in the Counterclaim; and such further relief and justice and equity shall require.

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Respectfully submitted,

NANCY ANN WORSLEY

By: /s/ Timothy V. Anderson
Counsel

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of May, 2013, a copy of the foregoing Answer to Counterclaim Plaintiff's Counterclaim and Third-Party Claim was sent via NEF/ECF noticing to all interested parties in this case.

/s/ Timothy V. Anderson
Timothy V. Anderson, Esquire

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